

MOUND CITY COUNCIL MINUTES
November 25, 2014

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, November 25, 2014, at 7:00 p.m. in the council chambers of the Centennial Building.

Members present: Mayor Mark Hanus; Council Members Mark Wegscheid, Heidi Gesch, and Ray Salazar

Members absent: Kelli Gillispie

Others present: City Manager Kandis Hanson, Community Development Director Sarah Smith, Administrative Assistant Mary Mackres, City Engineer Dan Faulkner, Director of Public Works Carlton Moore, Consultant Planner Rita Trapp, City Attorney Melissa Manderschied, Jim Bedell, Barry Robbins, Kelvin Retterath, Katie Morford, Dean Hunter

Consent agenda: All items listed under the Consent Agenda are considered to be routine in nature by the Council. There will be no separate discussion on these items unless a Council Member or citizen so requests, in which event it will be removed from the Consent Agenda and considered in normal sequence.

1. Open meeting

Mayor Hanus called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Approve agenda

MOTION by Salazar, seconded by Wegscheid, to approve the agenda. All voted in favor. Motion carried.

4. Consent agenda

Hanus requested Item 4G be pulled for discussion.

MOTION by Salazar, seconded by Wegscheid, to approve the consent agenda as amended. Upon roll call vote, all voted in favor. Motion carried.

- A. Approve payment of claims in the amount of \$374,634.43.
- B. Approve minutes of the Oct. 28, 2014 regular meeting.
- C. Approve Pay Request No. 2 and Final from Allied Blacktop Company in the amount of \$2,500.00 for work completed on the 2014 Seal Coat Project, City Project No. PW-14-07
- D. Approve Pay Request No.1 from Schneider Excavating & Grading, Inc. in the amount of \$74,139.90 for work completed on the 2014 Drainage Improvements Project, City Project No. PW-14-04
- E. **ORDINANCE NO. 10-2014 AMENDING CHAPTER 42 OF THE MOUND CITY CODE AS IT RELATES TO NUSIANCES**

F. RESOLUTION NO. 14-98: RESOLUTION APPROVING VARIANCE FOR 2217 CHATEAU LANE, PLANNING CASE NO. 14-24, PID NO. 13-117-24-43-0059

G. Pulled

4G. Approve Resolution Approving Expansion Permit for 3036 Highland Boulevard

Hanus stated that the documentation indicated the foundation's north wall had failed and asked the question that as long as the north wall was going to be rebuilt, should the City require at least a 2' setback. Hanus stated eaves are typically 2' and it is the Council's job to give relief where necessary but try to bring properties back into compliance with the code. Hanus stated he is open to comments.

Discussion ensued regarding eave overhang, set-back, fire rating on 4" overhang, and condition of foundation.

Hanus recommended the following changes to item 4G of the consent agenda: add item 12. A fire rated wall is required on the north wall; add item 13. A 4" maximum eave overhang on North wall is required; add item 14. An as-built survey must be submitted as part of building permit process.

MOTION by Wegscheid, seconded by Gesch, to approve the following resolution as amended. All voted in favor. Motion carried.

RESOLUTION NO. 14-99: RESOLUTION APPROVING EXPANSION PERMIT FOR 3036 HIGHLAND BOULEVARD, PLANNING CASE NO. 14-24, PID NO. 23-117-24-44-0003

5. Comments and suggestions from citizens present on any item not on the agenda.

None offered.

6. Public Hearing(s)

- A. Dan Faulkner, representing Bolton & Menk Engineering, requesting action on Resolution Ordering Improvement and Preparation of Plans and Specifications for 2015 Street, Utility and Retaining Wall Improvements – Tuxedo Boulevard, City Project No. PW-15-02

Gesch questioned whether or not the existing flagstone could be re-used retaining walls. Faulkner stated better, more stable material is used if the wall was being replaced and existing flagstone is re-used in the case of repairs.

Dean Hunter, 5043 Tuxedo, questioned the location of the new fire hydrant and said it is close to his property. Faulkner stated that drawings are conceptual for now and the engineers will work with property owner.

Hanus encouraged citizens to stay involved with the process and Mr. Hunter's phone number was recorded in order to keep him in the loop on the location of a possible fire hydrant on or near his property.

MOTION by Salazar, seconded by Wegscheid, to approve the following resolution. All voted in favor. Motion carried.

RESOLUTION NO. 14-100: RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR 2015 STREET, UTILITY AND RETAINING WALL IMPROVEMENT PROJECT – TUXEDO BOULEVARD

- B. Sarah Smith, Community Development Director, requesting discussion/action on Planning Commission Recommendation:
 - 1. Adopting Ordinance Amending Chapter 14 and 129 of the Mound City Code as it Relates to the Keeping of Animals

Trapp stated the proposed amendments are a result of recent discussions on farm animals, chickens, bees, exotic animals and a recommendation by the City Attorney requesting a change in the language related to dangerous dogs.

Much discussion ensued about the verbiage in the ordinance, particularly Section 2. Hanus requested item 3 be stricken and additional clarification be added to item 5. Trapp said previous language in the code was added back. Gesch stated the "at heel" language is not clear. It was decided that the Chapter 14 animal section needs to be reworked and brought back to the Council but that it does not need to go back to the Planning Commission. Trapp asked for direction on how much time should be devoted to reworking the language. Manderschied stated the requirements would be stated in the positive to avoid double negatives.

Smith requested that the amendments to Subsection 129-2 be acted upon and the public hearing held. Trapp noted that this language could be published in the entirety and the resolution is no longer necessary.

Mayor Hanus opened the public hearing at 7:57 pm and upon receiving no comment, closed the public hearing.

MOTION by Salazar, seconded by Wegscheid, to approve the following ordinance with the addition of "See Chapter 14." All voted in favor. Motion carried.

ORDINANCE NO. 11-2014: AN ORDINANCE AMENDING CHAPTER 129 OF THE MOUND CITY CODE AS IT RELATES TO THE ZONING ORDINANCE

- 2. Action Adopting Resolution Authorizing Publication of an Ordinance by Title and Summary
- 7. Planning Commission Recommendations(s)
Sarah Smith, Community Development Director, requesting discussion/action on Planning Case No. 14-25 for Variances
1975 Lakeside Lane
Applicant: Mark Lee

Smith stated that the applicant has asked to defer item to the next meeting on December 9th, but another date works as well. Smith stated the 60 day requirement has been executed.

Motion by Salazar, seconded by Wegscheid, to table Planning Case No. 14-25 until the December 9th meeting. All voted in favor. Motion carried.

8. Information/Miscellaneous

- A. Comments/reports from Council members/City Manager:
City Manager wished everyone a Happy Thanksgiving.
- B. Minutes: Planning Commission: Oct 7, 2014
- C. Reports: Fire Commission Meeting: Nov 19, 2014
WeCAB Annual Meeting: YTD Sept 30, 2014
- D. Correspondence:

9. Adjourn

MOTION by Gesch, seconded by Wegscheid, to adjourn at 8:36 p.m. All voted in favor. Motion carried.

Mayor Mark Wegscheid

Attest: Catherine Pausche, Clerk

Note: Approval of minutes took place at 1/27/15 meeting with new Mayor.